

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4151 OF 2024

Rehbar Umar Qureshi	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

CRIMINAL BAIL APPLICATION NO. 2978 OF 2024

Abbas Mohammed Ali Shaikh @ Addo	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Husen Shaikh a/w Mr. Ayush Pasbola and Mr. Runman Shaikh, Advocates for Applicant in BA No. 4151 of 2024.
 - Ms. Mahalakshmi Ganapthy, APP for State in BA No. 4151 of 2024.
 - Mr. Amrish Salunke, Advocate for Applicant in BA No. 2978 of 2024 in BA No. 2978 of 2024.
 - Ms. Rajeshree V. Newton, APP for State in BA No. 2978 of 2024.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 28, 2025

P. C.:

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1. Heard Mr. Shaikh, learned Advocate for Applicant and Ms. Ganapthy, learned APP for State.

2. Mr. Shaikh, learned Advocate for Applicant would submit that out of 6 accused persons the role attributed to the Applicant who is arraigned as Accused No.4 is that after the incident took place, Applicant was summoned by main assailant namely Accused No.1 and

after Applicant arrived at the scene of crime he held deceased victim. He would clarify further that the statement which is recorded by the prosecution states that Applicant tried to hold the deceased victim. He would submit that neither the Applicant was present when the incident began which led to the scuffle and the said alleged incident but only on account of he having been summoned by Accused No.1 who was known to him that he intervened. He would submit that Applicant has no direct role to play in the alleged crime neither has any motive for participating in the crime and therefore his incarceration is unwarranted in the aforesaid facts.

3. Learned APP in the Applicant shall ascertain the veracity of the statements made by Mr. Shaikh from the prosecution case and the chargesheet and accordingly apprise the Court about the specific role of the Applicant to enable this Court to consider the case of the Applicant for grant of bail.

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4. Heard Mr. Salunkhe, learned Advocate for Applicant and Ms. Newton, learned APP for State.

5. Applicant in the present Application is arrayed as Accused No.3 in the present crime. According to Mr. Salunkhe Applicant – Accused No.3 was not present neither has any role or nexus with the incident which has occurred. He would fairly state that none of the

statements recorded and appended to the chargesheet draw the role of the Applicant in the present case. This is a very strong statement and submission made by Mr. Salunkhe.

6. Learned APP appearing in the matter shall consider the submissions made by Mr. Salunkhe and apprise the Court after going through record apprise the Court the role attributable to the Applicant on the next adjourned date to enable this Court to consider the present Application.

7. Stand over to **3rd April, 2025.**

PR. Rajput

[MILIND N. JADHAV, J.]